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Preparatory Committee on the Establishment of an International Criminal Court

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Report of the Working Group on Procedural Matters

The Working Group recommends to the Preparatory Committee the text of the following articles concerning procedural matters as a first draft for inclusion in the draft consolidated text of the convention for an international criminal court:

Part 5. Investigation and prosecution

- Article 48. Information on national investigations or proceedings. Text as contained in document A/AC.249/1998/WG.4/CRP.1;
- Article 49. Deferral of an investigation by the Prosecutor. Text as contained in document A/AC.249/1998/WG.4/CRP.1.

Part 6. The trial

- Article 55. Place of Trial. Text as contained in document A/AC.249/1998/WG.4/CRP.12;
- Article 62. Evidence. Text as contained in A/AC.249/1998/WG.4/CRP.2;
- Article 63. Offences or acts against the integrity of the Court. Text as contained in document A/AC.249/1998/WG.4/CRP.3;
- Article 64. Confidential information/Sensitive national security information
- Option 1**
- Text as contained in document A/AC.249/1998/WG.4/DP.39;
- Option 2**
- Text as contained in document A/AC.249/1998/WG.4/DP.20, annex;
- Option 3**
- Text as contained in document A/AC.249/1998/WG.4/DP.26 and Add.1;
- Article 65. Quorum and judgement. Text as contained in document A/AC.249/1998/WG.4/CRP.4, with the following correction:



In paragraph 6 add the following bracketed words before the last sentence:
[one dissent covering all dissenting opinions];

Article 66. Reparations to victims. Text as contained in document A/AC.249/1998/WG.4/CRP.5 and Corr.1, plus the following corrections:

In footnote ¹, the beginning of the second sentence, should read as follows:

“For the purposes of defining ‘victims’ and ‘reparations’, reference may be made ...”;

Article 67. Sentencing. Text as contained in document A/AC.249/1998/WG.4/CRP.6.

Part 8. Appeal and review

Article 73. Appeal against judgement or sentence. Text as contained in document A/AC.249/1998/WG.4/CRP.7, with the following addition:

Add the following bracketed subparagraph (c) after the present paragraph 1(b):

“[(c) the Prosecutor shall not be entitled to appeal against the conviction but he or she shall be entitled to draw the attention of the Appeals Chamber to a point of law which in his or her opinion requires interpretation or clarification.]”

Article 73 *bis*. Appeal against interlocutory decisions. Text as contained in document A/AC.249/1998/WG.4/CRP.8 with the following additions:

1. Add the following footnote ¹ to the title of the article:

“¹ Further consideration should be given to the question of what decisions could be appealed under this article.”

2. Add the following bracketed subparagraph (e) to the text of paragraph 1:

“[(e) when the majority of members of a Trial Chamber shall be of the opinion that the order involves a controlling issue as to which there is substantial ground for difference of opinion and that immediate appeal from the order may materially advance the ultimate conclusion of the trial and a majority of the judges of the Appeals Chamber, at their discretion, agree to hear the appeal.]”

Article 74. Proceedings on appeal. Text as contained in document A/AC.249/1998/WG.4/CRP.9;

Article 75. Revision of conviction or sentence. Text as contained in document A/AC.249/1998/WG.4/CRP.10;

Article 76. Compensation to a suspect/accused/convicted person. Text as contained in document A/AC.249/1998/WG.4/CRP.11, with the addition of the words “convicted person” at the end of the title.
